

App. No. 10/763,505
Amendment Dated: September 13, 2006
Reply to Office Action of June 13, 2006

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REMARKS/ARGUMENTS

In the Office Action mailed June 13, 2006, Claims 1-26 were rejected by the Office Action under 35 U.S.C. 102(a). Claims 1-3, 6-7, 9, 12 and 20 have been amended. No new matter has been added. In view of the amendments and the following remarks, reconsideration and allowance of all pending claims are respectfully requested.

Claim Rejections

35 U.S.C. 101 and 35 U.S.C. 112 Rejections

Claims 1-13 and 20-26 were rejected by the Office Action under 35 USC 112 2nd paragraph. In response, the Applicants have amended Claims 1, 3, 6, 7, 9 and 20.

Claims 20-26 were rejected by the Office Action under 35 U.S.C. 101. In response, the Applicants have amended Claim 20.

35 U.S.C. 102(a) Rejections

Claims 1-26 were rejected by the Office Action under 35 U.S.C. 102(a) as being anticipated by "Managing Dependencies in Component-Based Systems Based on Matrix Model" by Bixin Li (hereinafter Li).

With regard to Claim 1, the Office Action indicates that the recitation "storing the dependency relationships within a binary dependency database" is inherently disclosed in Li. To support this inherency argument, the Office Action states that "the dependency matrix is inherently stored in some data structure, which is a binary dependency database using the

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broadest reasonable interpretation.” The Applicants respectfully disagree that the dependency matrix is inherently stored in a binary dependency database. The Office Action provides no evidence making it clear that “a binary dependency database” is necessarily present in the reference. Inherency requires more than probabilities or possibilities (See *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)). The Office Action provides no basis in fact and/or technical reasoning to reasonably support the determination that the dependency relationships are stored within a binary dependency database. Li does not disclose storing anything within a binary dependency database. Li only disclose a dependency matrix. As such, the Applicants submit that Claim 1 is allowable as presented.

With respect to Claim 3, the Office Action indicates that Section 3.4 of Li “shows dynamic types using the broadest reasonable.” In order to further the prosecution of this matter, the Applicants have amended Claim 3 to more clearly define the invention. As amended, Claim 3 recites in part “classifying the dependency types as a dynamic type when the dependency relationship is established at a runtime, and classifying the dependency type as a static type when the dependency relationship is established from inspecting the binaries.” In contrast, section 3.4 of Li shows determining a dependency from source code or from metadata information when the component is installed. Thus, Li fails to show the limitations found within Claim 3 including “classifying the dependency types as a dynamic type when the dependency relationship is established at a runtime.”

With respect to Claim 6, the Office Action states that section 3.5 of Li shows “determining a likelihood of whether the dependency is required.” Section 3.5 of Li, however,

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provides no indication of "determining a likelihood of whether the dependency is required." Instead, section 3.5 of Li shows the types of dependency relationships that include an upper-triangular dependency matrix, a diagonal dependency matrix, a sparse dependency matrix, a data dependency matrix and a control dependency matrix. Li does not ever discuss whether or not a dependency is required. Therefore, Claim 6 is submitted to be allowable.

With regard to Claim 12, the Office Action states that section 3.4 of Li discloses "obtaining a full dependency matrix." Section 3.4 of Li, however, only discloses that a component dependency matrix is created. The Applicants are unable to locate where Li discloses obtaining a full dependency matrix. In order to further clarify the invention, however, the Applicants have amended Claim 12. As amended Claim 12 recites in part "wherein obtaining the full dependency matrix comprises calculating a next order dependency matrix until the next order dependency matrix is the same a previous order dependency matrix." Li does not discuss calculating next order dependency matrices to obtain a full dependency matrix. Therefore, Claim 12 is submitted to be allowable.

With regard to Claim 14, the Office Action states that Sections 3.5 and 4 of Li "teach analysis which requires a processing tool." The Applicants respectfully disagree. Analysis does not require a processing tool. Li does not disclose a processing tool to do the analysis other than a person looking at the dependency matrix to analyze the dependencies. A person analyzing the dependency matrix is not a processing tool. For at least this reason, and the reasons presented with regard to Claim 1, the Applicants submit that Claim 14 is allowable as presented.

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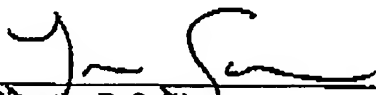
With regard to Claim 20, the Office Action states that the Claim 1 rejection shows the limitations of Claim 20. The Applicants respectfully disagree. The Applicants submit that Claim 20 includes different limitations as Claim 1. For instance, Claim 20 recites "obtaining static and dynamic dependency relationships relating to binaries." Claim 1 only states "obtaining dependency relationships relating to binaries." Among other differences to the present claim, Li does not disclose either a binary dependency database or a processing tool. For at least these reasons and the reasons discussed above with regard to Claims 1, 3 and 14, the Applicants submit that Claim 20 is allowable as presented.

Conclusion

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.



Timothy P. Sullivan
Registration No. 47,981
Direct Dial: 206.342.6254

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
206.342.6200

